

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.86 OF 2005
IN
SECOND APPEAL NO.199 OF 1996

Shri Ramchandra Rajaram Bakare
(through his LRs.):
1.Smt.Shantabai Ramchandra Bakare
& Ors. ...Petitioners

Versus

Shri Manohar Laxman Mithari ...Contemnor

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Mr.A.M.Kulkarni for Petitioners.

Mr.P.S.Dani for Respondent/Contemnor.

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CORAM: A.M.KHANWILKAR, J.

APRIL 4, 2006.

P.C.

1. Heard. Perused the reply affidavit filed by the Respondent/contemnor.

2. The grievance of teh Petitioners is that injunction granted by this Court on 19th June 1996 requiring the parties to maintain status-quo with

regard the suit property is breached. The suit property is eastern side wall. The Respondent has filed reply affidavit stating that no change has been brought about to the said eastern side wall. If it is so, there is no question of any breach of order passed by this Court. The said reply affidavit was served on the Petitioners as back as in July 2005, but no rejoinder has been filed by the Petitioners controverting the stand taken by the Respondent.

3. Counsel for the Petitioners seeks to rely on photograph to support his contention that damage has been caused to eastern side wall. It is not possible to decide the controversy on the basis of photographs which are not part of the record. As mentioned earlier, as no rejoinder affidavit has been filed to counter the statement made in the reply affidavit, it is not possible to accept the grievance of the Petitioners that any damage has been caused to the "eastern side wall" of the suit property.

4. Accordingly, no case for initiating

contempt action is made out. Dismissed.

A.M.KHANWILKAR, J.